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C O N F I D E N T I A L SECTION 01 OF 03 YEREVAN 000441

SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KDEM](#) [KJUS](#) [AM](#)
SUBJECT: AMNESTY DECLARED, BUT NOT ALL MARCH 1 DETAINEES
RELEASED

REF: A. YEREVAN 329
[1](#)B. YEREVAN 431
[1](#)C. YEREVAN 299

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Classified By: CDA Joseph Pennington, reasons 1. 4 (b,d).

SUMMARY

[1](#)1. (C) On June 19, sixteen months to the day following Armenia's disputed 2008 presidential election, Armenia's parliament declared a wide-ranging amnesty that will result in the release of approximately 32 of the roughly 48 oppositionists still in jail for their election-related activities supporting ex-President Levon Ter-Petrossian (LTP). Four out of the six most prominent oppositionists still jailed, including former Foreign Minister Alexander Arzumanyan and two parliamentarians, were released early on June 22 after their trials ended in convictions that qualified for the amnesty. The amnesty was declared just six days before the Parliamentary Assembly of the Council of Europe (PACE) is to discuss Armenia's compliance with a series of resolutions that threatened the temporary loss of Armenia's PACE representation absent improvements in democracy and human rights. The opposition called the amnesty incomplete, but said the authorities would nonetheless tout it at PACE as a proof of fulfilling their obligations. The amnesty is a positive development, and we should welcome it as such. However, given that more than a dozen oppositionists will remain behind bars, it likely falls short of what is needed to end Armenia's political stalemate.
END SUMMARY.

PARLIAMENT DECLARES AMNESTY

[1](#)2. (C) After an extraordinary session behind closed doors, Armenia's National Assembly late on June 19 declared a wide-ranging amnesty that will result in the release of 32 of the 48 opposition supporters remaining in jail for their February and March 2008 political activities in support of LTP's presidential campaign and post-election protests. (NOTE: The amnesty will actually result in the release of approximately 500 people from Armenian jails, most of whom were convicted for non-politically related crimes. END NOTE.) The 32 oppositionists to be released form part of the over 100 opposition supporters who were rounded up and arrested prior to and following the election in a harsh crackdown on LTP and his supporters. The most prominent of these supporters included an ex-foreign minister, high-profile veterans from the Nagorno-Karabakh conflict, and members of parliament who saw their parliamentary immunity stripped during a state of emergency imposed after post-election clashes left at least ten dead. In declaring

the amnesty, the parliament voted 98 for and one against, with three MPs abstaining.

13. (C) Four of the most prominent oppositionists walked free on the morning of June 22, when their trials concluded and they were sentenced to five-year prison terms. (NOTE: sentences of 5 years or less qualified for the amnesty. END NOTE.) These included ex-Foreign Minister Alexander Arzumanyan, Members of Parliament Hakob Hakobyan and Miasnik Malkhasyan, and a member of the Armenian National Movement (and election day proxy for LTP) Suren Sirunian. All but Sirunian received five-year sentences, with Sirunian getting four years. The prosecutor in the trial of the two MPs had requested six years, which would have rendered them ineligible for the amnesty, but the judge handed down five-year sentences instead. The other MP who stood trial was Sasun Mikaelian, who was sentenced to eight years for illegal weapons possession and causing mass disorder, thus making him ineligible for amnesty. The court case of the other high-profile oppositionist, Grigor Voskerchian, is still underway. He faces the charge of causing mass disorder. The seventh prominent oppositionist was Shant Harutiunian, who was released on May 13 (ref A) after the judge found him "non compos mentis" at the time of his alleged crime. Interestingly, the two government loyalists sentenced to three-year terms on June 16 for having stuffed ballots in Yerevan's recent municipal election will apparently walk free as a result of the amnesty (ref B).

32 OUT OF 48 OPPOSITIONISTS TO RECEIVE AMNESTY

14. (C) Out of the 48 detained/arrested oppositionists who were still incarcerated, at least 32 will benefit from

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amnesty. Most of the remaining 16 will not benefit from an amnesty, either because of the length of their prison sentences or the fact that their particular crimes were not covered by the amnesty. In addition to the 48, there are also six fugitive oppositionists who are currently on the run. The fugitives include one MP and the editor-in-chief of a radical opposition daily. The amnesty could cover some of the six fugitives, provided they were to surrender themselves to law enforcement by July 31. They would then have to undergo their own trials and, depending on their sentences, could qualify for amnesty. (COMMENT: We highly doubt that the MP and editor-in-chief will take up the offer. END COMMENT.) One oppositionist who had received a seven-year sentence saw his sentence reduced by half. Another oppositionist also had his sentence halved.

TERMS OF AMNESTY

15. (C) The amnesty applies to individuals convicted of non-violent crimes that were committed between June 1, 2007 and June 1, 2009, which means that the opposition supporters eligible for amnesty will actually constitute a small fraction of the approximately 500 expected to be released. Those excluded from the amnesty include those convicted for violent crimes, those sentenced to more than five years, and those convicted under more than one article of the Criminal Code; those who benefit from the amnesty will be released from prison no later than September 30. (NOTE: We will send the complete text of the amnesty septel. END NOTE.)

OPPOSITION'S REACTION

16. (C) Predictably, the opposition reacted both cautiously and critically to the amnesty, calling it incomplete. MPs from the opposition Heritage party assailed the terms of the

amnesty, arguing that all opposition supporters detained and arrested for their activities surrounding the 2008 presidential election should have been amnestied. Heritage MP Stepan Safarian told Emboffs he suspected the authorities lumped the oppositionists together with regular criminals in the amnesty to make a statement. Safarian also said that the PACE resolutions call for the release of all prisoners detained for their political activities. His colleague, MP Zaruhi Postanjian, was the sole MP to vote against the amnesty. She called the amnesty "flawed" and "political revenge" by the authorities, who she said would now use it to tout progress at the upcoming PACE session scheduled for June 24 in Strasbourg. Hovik Arsenian, one of the lawyers for the seven prominent oppositionists, told Emboffs that the amnesty should have applied to everyone related to last year's presidential election, otherwise "it defeats the whole purpose of the exercise." While welcoming the amnesty as something that his party had called for long ago, Armen Rustamian, a leader of the newly oppositional Armenian Revolutionary Federation - Dashnaktsutiun (Dashnaks) party, regretted it did not apply to "all March 1 and 2 cases" and would thus spur "speculation and skepticism." Naira Zohrabian, the one pro-government MP who has commented on the amnesty to date, lamented that her attempt to exclude election violators from the terms of the amnesty was shot down by the Minister of Justice.

INITIAL ANALYSIS BY EMBASSY'S RLA

17. (C) Post's Resident Legal Advisor (RLA) found the amnesty legislation to be technically well-crafted. In addition to persons who committed a crime connected to the March 1-2 post-election unrest, the legislation consistently limits the amnesty to those who have committed minor crimes, those who are aged or disabled, those who have served a substantial portion of their sentence, and those who have not committed aggravated offenses. The number of crimes not covered by the amnesty is approximately 100. Around ten of the 48 opposition supporters will not qualify for amnesty because they have been charged or convicted for these non-qualifying crimes. Excluded crimes include aggravated hooliganism, swindling, violence against a state authority, and theft of weapons. Leaving aside the political implications, RLA believes that the explicit exclusion of these 100 crimes is generally positive, in that this narrowly limits the amnesty to the least dangerous of Armenia's criminal population.

COMMENT: IS IT ENOUGH?

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18. (C) Although it has taken the authorities far too long to reach this point, the amnesty is a significant positive step, and we should welcome it as such. That the authorities clearly timed the move to coincide with the upcoming PACE session does not diminish the fact that they have gone a long way -- but not the whole way -- toward resolving the issue of political detainees in Armenia. It is unfortunate that the amnesty will leave more than a dozen oppositionists behind bars, thereby perpetuating the tension that has persisted since the February 2008 presidential election. A more comprehensive approach may have laid the groundwork for breaking the political stalemate between the authorities and the opposition. Judged on that basis, the current amnesty probably does not go far enough. Most Armenians will welcome the amnesty, though many will complain that it should have come long ago. Coming on the heels of President Sargsian's decision to disband the fact-finding group that was investigating the March 1 violence, the amnesty will likely do little to ease the pain of those events.

PENNINGTON